IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 9495 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.SHAH

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

USHABEN SURESHBHAI PATEL

Versus

REGIONAL PASSPORT OFFICER

Appearance:

MR RAJESH K SHAH for Petitioner

Mr.J.S.Yadav with MR AKSHAY H MEHTA for Respondent No. 1, 2

CORAM : MR.JUSTICE M.S.SHAH

Date of decision: 19/09/2000

ORAL JUDGEMENT

Rule. Mr.J.S.Yadav waives service of rule for respondents.

In this petition under Article 226 of the Constitution, the petitioner has prayed for a writ of mandamus directing the Regional Passport Officer, Ahmedabad to make correction in the place of birth as

well as date of birth in the petitioner's passport .

2. The petitioner had earlier while applying for passport relied on the school leaving certificate (copy of whereof is at annexure "A" to the petition) wherein it was stated that the petitioner was born at village Dhatva, Taluka Kamrej, District Surat, and that the petitioner was born on 15.10.1959 , and the passport authorities accordingly issued passport to the petitioner in March 2000. However, when the petitioner applied for Visa to go to the USA the petitioner was required to produce the birth certificdate. Accordingly, when the petitioner obtained birth certificate, (copy whereof is annexed at annexure "C" to the petition), the petitioner learnt that the petitioner was born at village Mota, Taluka Bardoli, Surat District and that the petitioner was born on 21.9.1959. The petitioner, therefore, requested the respondent authorities to make the aforesaid corrections in the passport and since the said request was not acceeded to, present petition has been filed.

3. Having heard the learned counsel for the parties, it is directed that upon the petitioner producing the necessary material including the birth certificate (at annexure "C" to the petition) showing that the petitioner was born at village Mota, Taluka Bardoli, Dist.Surat on 21.9.1959, the respondent-Regional Passport Officer, Ahmedabad shall consider the petitioner's application for correction in the place of birth and in the birth date of the petitioner in the petitioner's passport within one month from the date of receipt of the writ of this Court or a certified copy of this order, whichever is earlier.

4. In case the petitioner is required to apply for fresh passport, the petitioner shall comply with the requisite formalities for the same.

5. The petition is accordingly allowed in the aforesaid terms. Rule is made absolute to the aforesaid extent.

6. Since the respondent is not responsible for the mistakes in question, the petitioner shall pay costs of this petition which are quantified at Rs.1,000/- to the respondent within two weeks from today. Direct Service is permitted.

19.9.2000 (M.S.SHAH,J)